



AN ACT CONCERNING GAY AND TRANSGENDER PANIC DEFENSE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-13 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) In any prosecution for an offense, it shall be an affirmative
4 defense that the defendant, at the time [he] the defendant committed
5 the proscribed act or acts, lacked substantial capacity, as a result of
6 mental disease or defect, either to appreciate the wrongfulness of his
7 conduct or to control his conduct within the requirements of the law.

8 (b) (1) It shall not be a defense under this section if such mental
9 disease or defect was proximately caused by the voluntary ingestion,
10 inhalation or injection of intoxicating liquor or any drug or substance,
11 or any combination thereof, unless such drug was prescribed for the
12 defendant by a prescribing practitioner, as defined in subdivision (22)
13 of section 20-571, and was used in accordance with the directions of
14 such prescription.

15 (2) No defendant may claim as a defense under this section that
16 such mental disease or defect was based solely on the discovery of,
17 knowledge about or potential disclosure of the victim's actual or
18 perceived sex, sexual orientation or gender identity or expression,
19 including under circumstances in which the victim made an
20 unwanted, nonforcible, romantic or sexual advance toward the

21 defendant, or if the defendant and victim dated or had a romantic
22 relationship.

23 (c) As used in this section, (1) the terms mental disease or defect do
24 not include [(1)] (A) an abnormality manifested only by repeated
25 criminal or otherwise antisocial conduct, or [(2)] (B) pathological or
26 compulsive gambling, and (2) "gender identity or expression" means
27 gender identity or expression, as defined in section 53a-181i.

28 Sec. 2. Section 53a-16 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective October 1, 2019*):

30 In any prosecution for an offense, justification, as defined in sections
31 53a-17 to 53a-23, inclusive, shall be a defense. Justification as a defense
32 does not include provocation that resulted solely from the discovery
33 of, knowledge about or potential disclosure of the victim's actual or
34 perceived sex, sexual orientation or gender identity or expression,
35 including under circumstances in which the victim made an
36 unwanted, nonforcible, romantic or sexual advance toward the
37 defendant, or if the defendant and victim dated or had a romantic
38 relationship. As used in this section, "gender identity or expression"
39 means gender identity or expression, as defined in section 53a-181i.

40 Sec. 3. Section 53a-18 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2019*):

42 (a) The use of physical force upon another person which would
43 otherwise constitute an offense is justifiable and not criminal under
44 any of the following circumstances:

45 (1) A parent, guardian or other person entrusted with the care and
46 supervision of a minor or an incompetent person, except a person
47 entrusted with the care and supervision of a minor for school purposes
48 as described in subdivision (6) of this section, may use reasonable
49 physical force upon such minor or incompetent person when and to
50 the extent that he or she reasonably believes such to be necessary to
51 maintain discipline or to promote the welfare of such minor or

52 incompetent person.

53 (2) An authorized official of a correctional institution or facility may,
54 in order to maintain order and discipline, use such physical force as is
55 reasonable and authorized by the rules and regulations of the
56 Department of Correction.

57 (3) A person responsible for the maintenance of order in a common
58 carrier of passengers, or a person acting under his or her direction,
59 may use reasonable physical force when and to the extent that he or
60 she reasonably believes such to be necessary to maintain order, but he
61 or she may use deadly physical force only when he or she reasonably
62 believes such to be necessary to prevent death or serious physical
63 injury.

64 (4) A person acting under a reasonable belief that another person is
65 about to commit suicide or to inflict serious physical injury upon
66 himself or herself may use reasonable physical force upon such person
67 to the extent that he or she reasonably believes such to be necessary to
68 thwart such result.

69 (5) A duly licensed physician or psychologist, or a person acting
70 under his or her direction, may use reasonable physical force for the
71 purpose of administering a recognized form of treatment which he or
72 she reasonably believes to be adapted to promoting the physical or
73 mental health of the patient, provided the treatment (A) is
74 administered with the consent of the patient or, if the patient is a
75 minor or an incompetent person, with the consent of his or her parent,
76 guardian or other person entrusted with his or her care and
77 supervision, or (B) is administered in an emergency when the
78 physician or psychologist reasonably believes that no one competent to
79 consent can be consulted and that a reasonable person, wishing to
80 safeguard the welfare of the patient, would consent.

81 (6) A teacher or other person entrusted with the care and
82 supervision of a minor for school purposes may use reasonable

83 physical force upon such minor when and to the extent [he] such
84 teacher or other person reasonably believes such force to be necessary
85 to (A) protect himself or herself or others from immediate physical
86 injury, (B) obtain possession of a dangerous instrument or controlled
87 substance, as defined in subdivision (9) of section 21a-240, upon or
88 within the control of such minor, (C) protect property from physical
89 damage or (D) restrain such minor or remove such minor to another
90 area, to maintain order.

91 (b) No person is justified in using force upon another person which
92 would otherwise constitute an offense based solely on the discovery of,
93 knowledge about or potential disclosure of the victim's actual or
94 perceived sex, sexual orientation or gender identity or expression,
95 including under circumstances in which the victim made an
96 unwanted, nonforcible, romantic or sexual advance toward the
97 defendant, or if the defendant and victim dated or had a romantic
98 relationship.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	53a-13
Sec. 2	<i>October 1, 2019</i>	53a-16
Sec. 3	<i>October 1, 2019</i>	53a-18

Statement of Legislative Commissioners:

In Section 2, Subsecs. (a) and (b) were merged for clarity.

JUD *Joint Favorable Subst. -LCO*